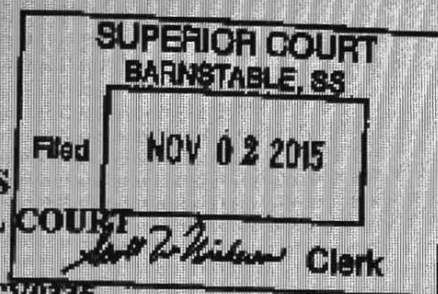


COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

Barnstable Division

Case #1572CV0335



CHRISTOPHER W. KANAGA  
ET AL, Plaintiffs

V.

SHELDON MANUEL,  
Defendant

DEFENDANT'S ANSWER  
AND COUNTERCLAIM

Now comes the Defendant and answers the Plaintiff's Complaint as follows:

1. Paragraph 1 of the Plaintiff's Complaint is the Plaintiff's personal opinion expression of the Plaintiff's view of the case and includes conclusions of law, all of which require no response.
2. The Defendant is without sufficient information to respond to the first sentence of Paragraph 2 of the Plaintiff's Complaint. Further answering, the second sentence of Paragraph 2 is the expression of a personal opinion and does not require a response.
3. The Defendant is without sufficient information to respond to the first sentence of Paragraph 3 of the Plaintiff's Complaint. Further answering, the second and third sentences of Paragraph 3 are the expression of a personal opinion and do not require a response.
4. The Defendant denies the allegations of Paragraph 4 of the Plaintiff's Complaint.



5. The Defendant is without sufficient information to respond to Paragraph 5 of the Plaintiff's Complaint.
6. The Defendant is without sufficient information to respond to Paragraph 6 of the Plaintiff's Complaint. Further answering, the Defendant admits so much of subsections (a) and (c) of Paragraph 6 insofar as they relate to her time of residence with her late husband and the validity of their marriage, but denies all of the allegations, opinions and inflammatory statements regarding third parties not a part of this action, and other averments in the remaining subsections of Paragraph 6.
7. Paragraph 7 of the Plaintiff's Complaint states a legal conclusion and therefore requires no response.
8. Paragraph 8 of the Plaintiff's Complaint requires no response.
9. The Defendant denies the allegations set forth in Paragraph 9 of the Plaintiff's Complaint and calls upon the Plaintiff to prove the same.
10. Paragraph 10 of the Plaintiff's Complaint states a legal conclusion and therefore requires no response. Further answering the Defendant denies all remaining allegations that do not make up the legal conclusions therein and call upon the Plaintiff to prove the same.
11. The Defendant denies the allegations set forth in paragraph 11 of the Plaintiff's Complaint and call upon the Plaintiff to prove the same.
12. The Defendant is without sufficient information to admit or deny the allegations set forth in Paragraph 12 of the Plaintiff's Complaint.
13. The Defendant denies the allegations set forth in paragraph 13 of the Plaintiff's Complaint and call upon the Plaintiff to prove the same.



WHEREFORE, the Defendant demands that the Plaintiff's Complaint be dismissed and that the Plaintiff take nothing. Further that the Plaintiff be assessed all of the Defendant's costs and expenses related to the defense of this matter.

#### **First Affirmative Defense**

The Plaintiffs' Complaint and the allegations contained therein fail to state a claim upon which relief can be granted.

#### **Second Affirmative Defense**

The individual Defendant herein has at all times engaged in actions which were the proper exercise of her rights pursuant to the Constitution of the United States and the Massachusetts Declaration of Rights.

#### **Third Affirmative Defense**

The Plaintiffs' actions are frivolous and unfounded, advanced in bad faith and are violative of Massachusetts General Laws Chapter 231, §6F.

#### **Fourth Affirmative Defense**

The Plaintiffs are barred from recovery under the "clean hands" doctrine in equity.

#### **Fifth Affirmative Defense**

The Plaintiffs are barred from recovery for failure to join all proper parties pursuant to Rule 19 of the Rules of Civil Procedure.

#### **Sixth Affirmative Defense**

Any expressions of the Defendant were of the nature of an opinion and therefore not actionable.



#### **Seventh Affirmative Defense**

Any statements attributable to the Defendant were, to the extent of her information and belief, true and therefore not actionable.

#### **Eighth Affirmative Defense**

The Defendant's alleged statements were related to and were made in the context of ongoing litigation and therefor subject to an absolute privilege, therefore the Plaintiff cannot recover.

#### **Ninth Affirmative Defense**

Any of the alleged statements made by the Defendant were not made maliciously or in bad faith therefore the Plaintiff is barred from recovery.

#### **Tenth Affirmative Defense**

The alleged statements of the Defendant were made hastily and were the result of a mistaken action resulting in a conditional privilege barring the Plaintiff's recovery.



### **Counterclaim**

1. The Plaintiff in counterclaim (hereinafter referred to as "Manuel") is an individual with a current mailing address in care of Kimble Breast Center, 601 North Carolina Avenue, Baltimore, Maryland.
2. The Defendant in counterclaim, Christopher Kanaga (hereinafter referred to as "Kanaga") is an individual with a current address of 34 Anchor Drive, Orleans, Massachusetts.
3. The Defendant in counterclaim, Laraja & Kanaga, P.C. (hereinafter referred to as "the Firm") is a professional corporation with a usual place of business at 46 South Orleans Road, Orleans, Massachusetts.
4. Manuel was married to her late husband, David Manuel on August 22, 2009.
5. Manuel's late husband was a nationally known and published author with books that were popular in the Christian community generally.
6. As a result of his work, Manuel's late husband accumulated substantial assets including royalties from his several published books and other media publications.
7. Prior to his marriage to the Defendant and Plaintiff in Counterclaim, David Manuel was married to Barbara Manuel.
8. David and Barbara Manuel had a child named Blair.
9. David and Barbara Manuel, along with their daughter entered the Community of Jesus in Orleans, Massachusetts at some time in early 1971 and were a part of that community until David Manuel left in or around 2005.
10. Barbara Manuel refused to leave the community and the separation led to the divorce between them.



11. Manuel is the founder of a Christian ministry called "Sing it America" which she formed along with David Manuel to promote the National Anthem and the underlying Christian principles of the founding fathers of this Republic.
12. Manuel and her late husband continued to successfully develop their ministry and were broadly supported by many thousands of Christian individuals and organizations throughout the United States and into other international venues.
13. David Manuel's divorce from his former spouse, Barbara, was less than amicable.
14. David Manuel stated on many occasions and in several pleadings in his divorce action that it was his belief that the Community of Jesus was the underlying cause of the divorce.
15. Both Barbara Manuel and their daughter Blair, despite the request by David Manuel, refused to leave the Community of Jesus in order to save the marriage.
16. David Manuel had contended that the Community of Jesus sought to cultivate members whose families were financially capable of leaving the members a substantial estate upon their deaths and so stated in statements, including a sworn affidavit.
17. David Manuel, subsequent to leaving the Community of Jesus and marrying the Defendant, Sheldon Manuel, contracted cancer.
18. David Manuel knew the Plaintiff, Kanaga in this case through Kanaga's involvement as an officer, director, fundraiser or other official capacity he held with the Community of Jesus during David Manuel's time with the community.
19. Prior to his death from the cancer he had contracted, David Manuel and his wife, Sheldon Manuel, began planning an event to honor the Bicentennial of the National Anthem in 2015 through "Sing it America".
20. David Manuel thereafter deceased.



21. Prior to his death, David Manuel executed his Last Will and Testament, essentially leaving his entire estate to his surviving spouse, Manuel, the Defendant and Plaintiff in Counterclaim herein.
22. David Manuel's daughter, Blair, thereafter commenced an action in the Norfolk County Probate & Family Court contesting the decedent's will on the basis that the marriage between David Manuel and Sheldon Manuel was not valid.
23. The will contest between Manuel and her late husband's daughter became extremely contentious and is ongoing at this time.
24. The Norfolk County Probate & Family Court recently made a finding upholding the marriage of David and Sheldon Manuel.
25. Kanaga and the Firm are directly involved with the Community of Jesus as members, and as Counsel to the community, having served in those capacities for several years.
26. David Manuel's daughter, Blair Tingley, is the Petitioner in the Norfolk County Probate & Family Court action against Manuel.
27. Although he has not filed any appearance in the aforesaid Norfolk Probate action in behalf of any party, Kanaga has been present at several events in the Court, including a recent settlement negotiation.
28. Kanaga's interest in the Norfolk Probate matter appears to be directly involved in the relationship between Blair Tingley, her relationship with the Community of Jesus and the assets she is seeking in the estate contest over her late father's estate.
29. Manuel has been advised through her Counsel of Kanaga's involvement and presence in the probate contest and has raised questions regarding Kanaga's involvement.
30. Prior to this case being commenced, Kanaga and the Firm became aware of Manuel's health problems with a cancerous breast tumor that was metastasizing rapidly.



31. Through her Counsel in the Norfolk Probate will contest and through Manuel's communications with Kanaga's Counsel and this Court, Manuel made these parties clearly aware of her massive surgery to remove the tumor and her left breast in April of 2015.
32. Between April and July of 2015, Kanaga, through Counsel, openly and with disdain minimized the extent and seriousness of Manuel's illness and need for recovery.
33. Despite their awareness of Manuel's medical condition Kanaga and the Firm commenced this action on July 1, 2015.
34. Kanaga and the Firm rapidly applied for a default before the end of July, and placed the matter for a hearing on damages.
35. In August, Manuel attempted to remove the default, but was procedurally unsuccessful.
36. In October, Manuel secured new Counsel in this action and proceeded to continue the hearing on damages and thereafter filed pleadings that resulted in the Court removing the default on November 16, 2015.
37. In opposition to the Manuel Motion to Remove the Default, the pleading consisted of a "book sized" volume consisting primarily of documents unrelated to the case at bar, and implied that Manuel had committed a fraud upon the Norfolk Probate Court and intimated that Manuel was perpetrating a fraud upon this Court.
38. The pleadings contained documents that were unsworn and unsubstantiated and again, made light of Manuel's medical condition, despite numerous affidavits from medical providers, including surgeons from Johns Hopkins Cancer Center unambiguously stating the severity of Manuel's condition, the upcoming second surgery and the need for a prolonged, non-stressful recovery time, especially in light of Manuel's blood pressure issues and endocrine system problems.
39. Manuel had her second major surgery within the past eight months on November 16, 2015, as set forth in her doctor's affidavits heretofore filed with this Court.



40. Despite clear statements from Manuel's treating physicians and health providers regarding her need for a stress-free and restful recuperation period (expected to take until the end of February of 2016), Kanaga and the Firm, through Counsel, have filed additional pleadings to reinstate the default and further pleadings to compel responses to discovery.
41. Both Kanaga and the Firm cannot sustain any objection to Manuel's need to recover and nevertheless, continue to harass her with demands for responses to pleadings, demonstrating an astonishing lack of compassion.
42. On the basis of information and belief, Kanaga and the Firm, in order to paint Manuel as a deceitful, malingering defendant who is flaunting the Court, is attempting to pressure and harass Manuel in order to place her under undue stress for the purpose of gaining an upper hand in the other matters being prosecuted in other Courts.
43. On the basis of information and belief, Kanaga and the Firm commenced this action for the purpose of adding to the stress Manuel is being required to bear in order to achieve a favorable result in the other matters for the benefit of the Community of Jesus.
44. Throughout the course of this litigation, Kanaga and the Firm, have caused pleadings to be filed which essentially ridicule Manuel and her ministry, "Sing it America" and ridicule Manuel in particular as a fraud who has not been honest with the Court.
45. The ridicule of Manuel and the disparaging statements and related pleadings have held Manuel up to distrust and question of her character in the Christian community within which she ministers.
46. These actions by Kanaga and the Firm have caused Manuel to suffer a loss in her ability to raise donations for her ministry due to these discrediting statements and pleadings, all of which are public records.



**Count I**  
**Intentional Infliction of Emotional Distress**

47. Manuel incorporates Paragraphs 1 through 46 as if set forth herein.
48. The actions of Kanaga and the Firm knew or should have known that emotional distress was likely to result from their actions in demeaning Manuel's medical condition.
49. The conduct of Kanaga and the Firm were extreme in that they were done despite the knowledge of the specific nature of Manuel's medical condition and the potential impact upon her health, particularly her blood pressure and endocrine system.
50. The actions of Kanaga and the Firm were the cause of the emotional distress suffered by Manuel.
51. The nature of the distress was severe and of a nature that no reasonable person could be expected to endure it.
52. As a direct result of the actions of Kanaga and the Firm, Manuel suffered damages.

WHEREFORE, Manuel demands that judgment enter against the said defendants in counterclaim for an amount that would fully and fairly compensate her for her damages.

**Count II**  
**Negligent Infliction of Emotional Distress**

53. Manuel incorporates Paragraphs 1 through 46 as if set forth herein.
54. The actions of Kanaga and the Firm knew or should have known of the impact the continuing barrage of demands for responses to pleadings would have upon her physical health and well-being as the impact was reasonably foreseeable.
55. The callous disregard for Manuel's health and well-being were negligent actions *per se*.



56. Manuel suffered added emotional distress as a direct result of the actions of Kanaga and the Firm and so advised them through her responses to pleadings and process.

57. As a direct result of the actions of Kanaga and the Firm, Manuel suffered physical harm in the form of extremely high blood pressure which caused her second surgery to be postponed for a time, thereby adding to her stress level.

58. Manuel suffered a level of emotional distress as a direct result of the actions of Kanaga and the Firm which would have been suffered by any reasonable person under these circumstances.

WHEREFORE, Manuel demands that judgment enter against the said defendants in counterclaim for an amount that would fully and fairly compensate her for her damages.

### **Count III**

#### **Abuse of Process**

59. Manuel incorporates Paragraphs 1 through 58 as if set forth herein.

60. Kanaga and the Firm have substantial ties to the Community of Jesus and its affiliated entities.

61. Blair Tingley, the daughter of Manuel's late husband is an active member and participant in the Community of Jesus.

62. Blair Tingley is enmeshed in multiple actions involving the estate and assets of Manuel's late husband, David Manuel.

63. Kanaga and the Firm have been integrally involved in the proceedings involving the estate and assets of David Manuel as "advisors" to Blair Tingley and others in order to



obtain assets for Ms. Tingley which would thereby derivatively benefit the Community of Jesus.

64. The above captioned action was instituted by Kanaga and the Firm in order to place additional pressure upon Manuel in order to essentially "wear her down" in the ongoing dispute over her late husband's estate and assets with the purpose of gaining an advantage in the collateral litigation.

65. The actions of Kanaga and the Firm were conducted with malice toward Manuel because of her claims as sole beneficiary of David Manuel's estate and assets.

66. As a direct result of the actions of Kanaga and the Firm in using legal process in this action in order to obtain some benefit in collateral litigation with Manuel, Manuel suffered damages in the form of physical injury (extremely elevated blood pressure), postponement of her pending cancer surgery, in addition to her loss of time, costs and expenses.

WHEREFORE, Manuel demands that judgment enter against the said defendants in counterclaim for an amount that would fully and fairly compensate her for her damages.

#### **Count IV Defamation**

67. Manuel incorporates Paragraphs 1 through 66 as if set forth herein.

68. During the course of the litigation of this case and the collateral litigation set forth above, Kanaga and the Firm caused or allowed to be made, certain statements, both oral and published, that essentially accused Manuel of being a fraud, and one who had misrepresented her medical condition to the Court.



69. In addition, Kanaga and the Firm caused or allowed to be published statements regarding Manuel's character which imputed an unfitness for her nationwide ministry in the Christian community.

70. Her appearances on the Christian Broadcast Network, and at a rally celebrating the Bicentennial of the National Anthem (during which she sat for nearly the entire program, and following the program, collapsed and was bedridden for several days thereafter) during the pendency of this action was utilized as evidence that her medical condition was not severe and that the fact she was able to appear for a short interview and a personal appearance (she sang part of a song) somehow led to the conclusion that she was perpetrating a fraud upon this Court.

71. The statements of Kanaga and the Firm were of such a nature that the remarks were clearly intended to imply and both Kanaga and the Firm clearly held a reasonable understanding of what was being implied, *sub rosa*, by these remarks and statements.

72. At all times relevant hereto, Kanaga and the Firm were well aware of the nature and extent of Manuel's cancer treatment, initial major surgery in April of 2015 and scheduled second major surgery in October or November of 2015.

73. As a result of the actions of Kanaga and the Firm, Manuel was held up to discredit in the Christian community.

74. The statements, publications, innuendos and implications by Kanaga and the Firm were false.

75. As a direct result of the actions of Kanaga and the Firm, Manuel suffered damages to her personal reputation, her ministry, "Sing it America" and her health.

WHEREFORE, Manuel demands that judgment enter against the said defendants in counterclaim for an amount that would fully and fairly compensate her for her damages.



**Count V**

**Interference with Advantageous Business Relations**

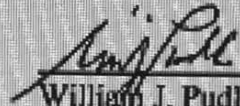
76. Manuel incorporates Paragraphs 1 through 75 as if set forth herein.
77. In commencing this action, Kanaga and the Firm did so intentionally and willfully.
78. The commencement of this action by Kanaga and the Firm were calculated to cause damage to Manuel in her lawful business.
79. The actions of Kanaga and the Firm were conducted with the unlawful purpose to cause Manuel such damage and loss in her business by discrediting her reputation for moral integrity within the Christian community she was serving in her business and were not based upon any right or justifiable cause.
80. As a direct result of the actions of Kanaga and the Firm, Manuel suffered damages in connection with her business, Sing it America, through a diminution of contributions and operating funds.

WHEREFORE, Manuel demands that judgment enter against the said defendants in counterclaim for an amount that would fully and fairly compensate her for her damages.



**Defendant and Plaintiff in Counterclaim Demands  
A Trial by Jury for all Counts contained herein**

The Defendant,  
By her Attorney,



William J. Pudlo

P.O. Box 676

West Springfield, Mass. 01090

Telephone: (413) 739-4000

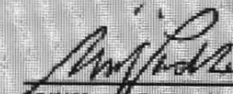
FAX: (413) 739-3620

BBO #407640

**Certificate of Service**

I, William J. Pudlo, hereby certify that I have served a copy of the above pleading upon the Plaintiffss by mailing a copy of the same, postage prepaid, to Joseph D. Lipchitz,, Esquire, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., One Financial Center, Boston, Mass. 02111.

Dated: November 30, 2015



William J. Pudlo